

PARSONS HSUE & DE RUNTZ LLP

655 Montgomery Street, Suite 1800 San Francisco, Ca 94111
tel 415.318.1160 fax 415.693.0194

IFW
DAC



September 20, 2004

Mail Stop Petitions
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant(s): Ho-Shang Lee et al.

Assignee: DiCon Fiberoptics, Inc.

Title: Light Emitting System With High Extraction Efficiency

Application No.: 10/773,943 Filing Date: February 6, 2004

Examiner: Unassigned Group Art Unit: 2826

Docket No.: DICO.049US0 Conf. No.: 7975

Dear Sir:

Transmitted herewith are the following documents in the above-identified application:

- (1) Return Receipt Postcard;
- (2) This Transmittal Letter (1 page – in duplicate);
- (3) Petition For A Retroactive License Under 37 C.F.R. §5.25(a)(1 page);
- (4) Declaration In Support Of Petition For A Retroactive License Under 37 C.F.R. §5.25(a) – Ho-Shang Lee (2 pages); and
- (5) Check for \$130.00.

Please charge any additional fees required and credit any overpayment to our Deposit Account No. 502664.

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope address to: Mail Stop Office Of Initial Patent Examination, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 20, 2004.

Franklin Dyer

Respectfully submitted,

James S. Hsue
Reg. No. 29,545

Date

9/20/04



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Ho-Shang Lee et al.
Assignee: DiCon Fiberoptics, Inc.
Title: Light Emitting System With High Extraction Efficiency
Application No.: 10/773,943 Filing Date: February 6, 2004
Examiner: Unassigned Group Art Unit: 2826
Docket No.: DICO.049US0 Conf. No.: 7975

San Francisco, California
September 20, 2004

Mail Stop Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR A RETROACTIVE LICENSE UNDER 37 C.F.R. §5.25(a)

Dear Sir/Madam:

Material in the above-identified U.S. Patent application was included in a patent application that was filed in Taiwan as Application No. 93109937 on April 9, 2004 without first obtaining a foreign filing license.

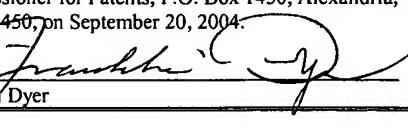
A foreign filing license for the above-identified U.S. Patent application was granted on May 5, 2004.

A check for the required petition fee of \$130.00 is enclosed.

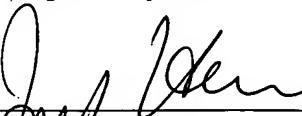
Please charge any additional fees required or credit any overpayment to our Deposit Account No. 502664.

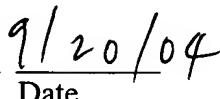
Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 20, 2004.


Franklin Dyer

Respectfully submitted,


James S. Hsue
Reg. No. 29,545


Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Ho-Shang Lee et al.
Assignee: DiCon Fiberoptics, Inc.
Title: Light Emitting System With High Extraction Efficiency
Application No.: 10/773,943 Filing Date: February 6, 2004
Examiner: Unassigned Group Art Unit: 2826
Docket No.: DICO.049US0 Conf. No.: 7975

San Francisco, California
September 15, 2004

Mail Stop Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION IN SUPPORT OF PETITION FOR A RETROACTIVE
LICENSE UNDER 37 C.F.R. §5.25(a)**

Dear Sir/Madam:

I, Ho-Shang Lee, hereby declare as follows:

1. I am President and Chief Executive officer of DiCon Fiberoptics, Inc. as well as one of the inventors of the above-identified application.

2. Material in the above-identified U.S. Patent application was included in a patent application that was filed in Taiwan as Application No. 93109937 on April 9, 2004. The subject matter in the above-identified U.S. application was not under a secrecy order at the time it was filed in Taiwan and it is not currently under a secrecy order. A foreign filing license for the above-identified U.S. Patent application was granted on May 5, 2004.

3. The filing of the Taiwan application identified in paragraph 2 above without first obtaining a foreign filing license was discovered around August 24, 2004 when a U.S. application Serial Number 10/892,856, filed July 16, 2004, which is a continuation-in-part of the above-identified U.S. Patent application, was reviewed for the purpose of foreign filing such application. In connection with the review of U.S. application Serial Number 10/892,856, the above-identified U.S. application was also reviewed which results in the discovery that a retroactive foreign filing license may be necessary for the above-identified U.S. application. At soon as I discovered that a

retroactive filing license may be necessary for the above-identified U.S. application, I telephoned my patent attorney James Hsue who filed the above-identified U.S. application. Mr. Hsue asked me to obtain all the particulars of the above-identified Taiwan application as well as the circumstances surrounding the filing of such application and the discovery of the need for a retroactive foreign filing license. This declaration is then prepared on the basis of the information that I supplied to Mr. Hsue.

4. As the President and Chief Executive officer of DiCon Fiberoptics, Inc., I am responsible for making the decision to file the Taiwan application identified in paragraph 2 above and I orally authorized instructions to a Taiwan law firm in late March 2004 to file such application. The failure to obtain a foreign filing license before filing the Taiwan application was caused by oversight on my part. While I am aware of the need to obtain a foreign filing license prior to the filing of foreign applications, I have only been involved in the filing of such applications occasionally and I inadvertently caused the above-identified Taiwan application to be filed without a foreign filing license. This mistake was made through error and without deceptive intent.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Ho-Shang Lee